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U.S. Congress. House.

Amendment of the Seamen's Act

Washington

1920

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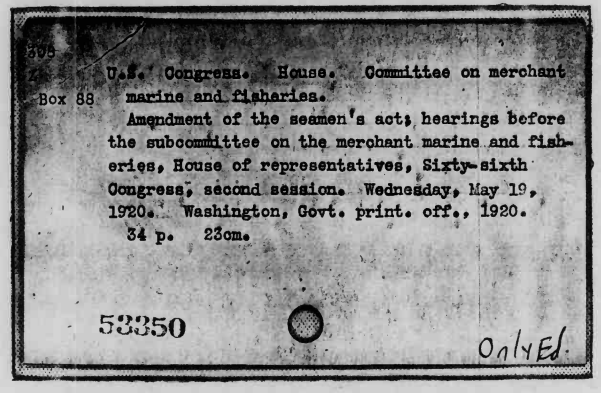

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AMENDMENT OF THE SEAMEN'S ACT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON THE MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

WEDNESDAY, MAY 19, 1920

WASHINGTON
GOVERNMENT PRINTING OFFICE
182026 1920

SUBCOMMITTEE NO. 1 ON NAVIGATION LAWS OF THE MERCHANT MARINE AND FISHERIES.

HOUSE OF REPRESENTATIVES.

FREDERICK W. ROWE, New York, *Chairman.*

FREDERICK R. LEHLBACH, New Jersey.	RUFUS HARDY, Texas.
WALLACE H. WHITE, Jr., Maine.	PETER J. DOOLING, New York.
SHERMAN E. BURROUGHS, New Hampshire.	WILLIAM C. WRIGHT, Georgia.

RENE G. DE TONNANCOUR, *Clerk.*

H. R. 26 Dec 19 2nd.

AMENDMENT OF THE SEAMEN'S ACT.

SUBCOMMITTEE OF THE COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Wednesday, May 19, 1920.

The subcommittee met at 10.30 o'clock a. m., Hon. Frederick W. Rowe presiding, to consider H. R. 12396, which follows:

[H. R. 12396, Sixty-sixth Congress, second session.]

A BILL To amend an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4 1915.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, be, and the same is hereby, amended as follows:

SEC. 2a. That in all merchant vessels of the United States of more than one hundred tons gross operating on the Great Lakes where the trip run is eight hours or less, excepting those navigating rivers, harbors, bays, or sounds exclusively, the provisions of section 2 of this act shall not apply except that at all times nine hours shall constitute a days work: *Provided*, That in all merchant vessels of the United States of more than one hundred tons gross operating on the Great Lakes where the trip run is more than eight hours and less than sixteen hours, except those navigating rivers, harbors, bays, or sounds exclusively, the sailors, oilers, water-tenders, and firemen shall be divided into at least two watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

SEC. 13a. That on the Great Lakes, if able seamen are not obtainable, certificated lifeboat men may be used in lieu thereof in a number not to exceed 25 per centum of the deck crew.

SEC. 14a. That on the Great Lakes the requirements set forth in section 14 of this act shall be applicable during the intervals from May 1 to October 15, inclusive, instead of from May 15 to September 15, inclusive, and from October 15 to May 1 instead of from September 15 to May 15, respectively, as provided in section 14.

Mr. ROWE. Mr. Scott, who will you have for your first witness on behalf of the bill?

Mr. SCOTT. I think I will call Capt. Simpson.

STATEMENT OF CAPT. FRED J. SIMPSON, MARINE SUPERINTENDENT OF THE DETROIT & CLEVELAND NAVIGATION CO.

Mr. ROWE. What is your full name?

Capt. SIMPSON. Fred J. Simpson.

Mr. ROWE. And your business connection?

Capt. SIMPSON. I am a past master in the Detroit & Cleveland Navigation Co. I was a master there for about 18 years. I am marine superintendent at the present time.

Mr. ROWE. Tell us what you know about this bill and the need for it.

Capt. SIMPSON. I would say where it will help us most is in our Mackinaw division. That is a division of two steamers that run to Mackinaw from Detroit and in the past ran from Toledo. It has been in operation about—well, I have been there 31 years, and it was there quite a while before I arrived on the scene. On account of the loss in 1918 of about $90,000 on that division, which the management attributes to the provisions of the present seaman's act, they have decided this year to cut out numerous ports on the run—ports that showed the greatest loss—so that we could make another trip with each steamer. You will understand that the only additional cost that would necessitate would be the fuel, as the same crew would be able to make the extra trip. These two steamers under the present law, one of them carries 696 and the other 703; that is, in the season between May 15 and September 15.

Mr. ROWE. What do you mean by 696?

Capt. SIMPSON. It carries 696 passengers, and the crew is additional to that. Before the seaman's act was carried about 800, we will say, between May 15 and September 15. We will not run all that period, but before the seaman's act we ran until about the 30th of November, and we started on the opening of navigation—that is, when the ice was out of the passages and lakes. Since that time we have only operated practically during that season of May 15 to September 15. That was made necessary because after September 15 that same steamer that was allowed to carry 703, on the 16th of September she was only allowed 162. Our business up there in those months is practically tourist business from Ohio ports to Mackinaw, to Petrosky, and Lake Michigan resorts, and around September 15, when this act goes into effect, we are running at capacity loads; that is, well up to our capacity. And you understand what happens the minute that goes into effect, where we are only allowed 162. Our steamer will load that at the first port. We carry freight, too; we accommodate our freight business—fish, express, and such like—and we make other ports and just have to go past them, you might say, with a shotgun to keep the people from getting on board, as we are not permitted to carry any more than 162. In that way in the summer months we figured we would make something—some showing—and in the fall months we would not run, because we would not be permitted to carry the people. We had to lay the steamers up. Even under that basis of running in 1918 we lost some money. We have decided now, instead of two round trips a week, to make three round trips a week with each steamer.

Mr. ROWE. And leave out certain ports?

Capt. SIMPSON. And leave out certain ports, in order to make the three round trips.

Mr. ROWE. Now, tell us how the seaman's act affects you so far as the crews are concerned and that part. What are you trying to cure with this bill?

Mr. SCOTT. As far as the crews are concerned, Mr. Chairman, if I may suggest, I do not think the crew feature particularly affects

the long line of the D. & C. That might touch their division at the south end from Detroit south, but I do not think the crew feature as provided in my bill would have any application to your Mackinaw division from Detroit to Mackinaw?

Capt. SIMPSON. No; because it is a longer run than 16 hours. On our runs of less than 16 hours, one run is seven and the other is 15, and we appreciate the benefit that would be to us of the two-watch system instead of three.

Mr. SCOTT. On your short run up there, Captain, on the seven-hour run, where you have to carry three crews, those are usually summer runs, are they not?

Capt. SIMPSON. Yes, sir.

Mr. SCOTT. And it develops that two crews virtually are never actively at work except to change them off so that they will go to work, because the run is the same seven hours every day?

Capt. SIMPSON. You take on our Cleveland division, Mr. Scott is referring to, we leave Detroit every evening at 11 o'clock and arrive at Cleveland, the other end of the route, at 6.15 in the morning. That is 7 hours and 15 minutes to the run. Under the present law we had to put on a three-watch system. In the past, before the law came into effect, there would be a two-watch system and only one crew in bed; now there are two crews in bed and one on watch—not any more on watch than we had before. On the Mackinaw division during the summer months, of course we had the benefit of the 50 per cent equipment for the number of people carried on board. That accounts for the reduction after the 15th of September, and another reason for the reduction being so great would be the proportion of rafts. In the summer months we are allowed 60 per cent rafts and 40 per cent boats and 50 per cent of the total number of passengers. After September 15, the proportion is changed so that we have to have 75 per cent of boats and 25 of rafts. That does not mean we take off any rafts. We still keep the 60 per cent of the total of boats on all the time, and we have life preservers on those ships for probably 25 per cent more than the total number of people on board, all the time. And these boats are operating—they are never out of the sight of land, and the greatest distance we would ever be from land would probably be 14 miles at any one time, and it would be impossible to look out from that ship on a clear day or night without seeing six or seven ships around you.

We claim these ships should be permitted to run that extended season, according to Mr. Scott's bill here, from the 1st of May to the 15th of May, and from the 15th of September to the 15th of October, and that would be a great help to us, because there is a lot of business there we could get that we can not take care of now on account of the law.

Mr. SCOTT. How long did you sail up there?

Capt. SIMPSON. I was sailing on that run about 20 years.

Mr. SCOTT. During that period, what do you say as to the condition of the weather during the month of October, which takes in the extension as provided in this bill?

Capt. SIMPSON. I would say for October; it is the grandest month of the year in Michigan.

Mr. ROWE. And how about the month of May?

Capt. SIMPSON. The month of May is good. Other than being cool at times, it is splendid weather—just as good as July and August.

Mr. ROWE. Who do you carry in May and after the 15th of September, or who did you carry in the earlier times when you ran the boats?

Capt. SIMPSON. There are a great many fishermen and hunters and woodsmen and the general traveler. You might say, too, that we carry between Detroit and Cleveland, business travelers possibly, the whole season through, and occasionally people who go touring East and West. We get considerable of our list through that source. But on our Mackinaw division, 162 is not a paying load, and it is not near what we could get.

I was talking to a gentleman here yesterday evening who comes from Rogers City and who came down, as he was affected greatly in produce shipments. For instance, last fall he could not ship potatoes, because they were not dug yet. He represents, I believe, the Farmers' Alliance, and they were affected greatly, as they could not get them out, and they had a bitter winter and could not get them out in the winter, and possibly there will be a lot of that crop spoiled. And you know if you eat potatoes what you have to pay for them, and this section of Michigan from which this gentleman comes is the greatest section of Michigan for potatoes.

I would say our ships could not operate freight alone, and to make it pay we have to have passengers. In the summer months the freight we carry is not very heavy. In the fall those supplies go to Lake of the Woods and connecting lines, along the D. S. S. & A. to St. Ignace. I ran up there for about 20 years, and in the spring and fall we would have capacity loads.

Mr. SCOTT. Freight?

Capt. SIMPSON. That is freight. And passengers—we would run around two or three hundred passengers. I have seen it at times when I thought it was strange the people would come down when it was snowing and stormy weather. It was late in the year, it was in November, and they would come down and get on the boat and ride. And where I have always been a sailor ever since I was a kid I think there were times in the late season when I would just as leave ride, on the short runs, on the train.

But that is the way with the people up North. You might say they are all sailors and all used to boats and they are all willing—I never saw one yet but thought it was an awful outrage after the 15th of September on those boats that the people could not get on. Why, a gentleman here last night told me at one time he was on the dock with 15 people when our steamer landed there last year, about the 15th of September, and they could not get aboard, and they had to wait two days and then to drive back 20 or 30 miles to the train and come down in that way.

Mr. SCOTT. Will you not comment on section 13a of my bill, relative to the use of certificated lifeboat men?

Capt. SIMPSON. I would say under the provisions of the seamen's act we have to carry a certain percentage of able seamen. We are perfectly agreeable to that when we can procure them.

Mr. SCOTT. What is the usual number of your able seamen crew—15 or 16?

Capt. SIMPSON. We have to have 65 per cent of the crew and they run along from 12 to 16 for the deck crew. I was in favor of this section of the bill, that when we could not get the able seamen we would not be violating the rule by taking certificated lifeboat men (that is the only interest I have in that); that is, up to this percentage of 25 per cent. Of course, I would like that to be more, but I do not hardly think it is necessary at that, as we get the seamen. At times, when we do not get them, we have to reduce our certificate. That is all we can do. If we have not the complement of able seamen required by law we have to reduce our certificate. Of course, our certificate at all times is higher than the number of people we are carrying and if you have to carry 26 able seamen on the steamer for her capacity of, say, 1,866, which is the capacity of one of our boats, if you only had 22 able seamen and could not get the other 4 you would have to go to the inspector and reduce that certificate down so that 22 would man your boats.

I would say, in speaking of the able seaman, that the certificated lifeboat man means a man that can demonstrate before a committee of the inspectors that he can lower a boat, that he can row it, that he knows ho wto take charge of a boat, and he handles it and does all the work. That has always appeared to me to be a good man, the man who made a practical demonstration; that he might possibly be a better man than the man where you took his word for it that he was a sailor. What I mean by that, an able seaman—I do not say they do it; I do not wish to say so for a minute—as long as they can get evidence that they have sailed 18 months and are physically fit they can get a seaman's certificate without any demonstration of their ability, and it simmers down to one thing, that you have to take his word for it and the other man has to show you.

I would say this extension of the season would be a great help to us on our Mackinaw division steamers.

Mr. BURROUGHS. On that last matter you were talking about you raised a point there that sort of interested me. You say it simmers down to the question of taking the man's word, and, in the other case, you have a demonstration?

Capt. SIMPSON. Yes, sir.

Mr. BURROUGHS. Can not you require evidence in the former case?

Capt. SIMPSON. It is not up to the steamboat companies; it is up to the inspectors. A man comes in and takes an application form and fills it in that he was on a number of steamers of a certain tonnage for that 18 months. That is evidence.

Mr. BURROUGHS. That is accepted?

Capt. SIMPSON. That is accepted; yes, sir. And then he has to take the physical examination by the Government doctor.

Mr. BURROUGHS. Do you have reason to believe in your experience that these men who come under the seaman's act in that way have not had the 18 months' experience?

Capt. SIMPSON. I would not say, sir; but it would be possible. But taking a strange man you did not know anything about, the fact he had a lifeboat man's certificate you would know he had to go out and show what he could do. For instance, my boy, who never sailed a day in his life, he could swim the length of the Detroit River and row a boat and sail a boat and all like that, and he would

be a good man on the boat in a disaster, and every boy who could row a boat—for instance, the boys from the larger cities, but more so in the smaller towns (the percentage would be greater than in the big towns) where there is a water front and the boys fish and do all those things. You could not use them, and yet they can row and do the work.

Mr. BURROUGHS. For your purposes would you say these certificated men were just as good as the others?

Capt. SIMPSON. Yes; I would say so. I do not wish to replace the seamen, but I wish to have—we have to carry a certain percentage of those anyway; but when we can not get the able seamen I would like the statute to allow us to put those in to use at times.

Mr. BURROUGHS. As being the next best thing?

Capt. SIMPSON. Yes, sir.

STATEMENT OF MR. RUDOLPH DUELTGEN, OF ROGERS CITY.

Mr. ROWE. Give the stenographer your name.

Mr. DUELTGEN. Rudolph Dueltgen.

Mr. ROWE. And your business.

Mr. DUELTGEN. I am connected with several small enterprises there.

Mr. SCOTT. You live at Rogers City?

Mr. DUELTGEN. I live at Rogers City. I am connected with the electric light and power company and also have an interest in the Wexford County Savings Bank, and I am connected with the county road commission and several other small commissions.

Mr. SCOTT. What is your connection with farming institutions up there, Mr. Dueltgen?

Mr. DUELTGEN. I have not any connection with them; that is, any more than a general interest in the welfare.

Mr. SCOTT. You are very familiar with it?

Mr. DUELTGEN. Oh, yes.

Mr. SCOTT. How long have you lived up there?

Mr. DUELTGEN. I have lived up there 45 years—practically all of my life.

Mr. SCOTT. I think the committee would be glad to have you, in a general way, state the importance—in the first place, how large is Rogers City now?

Mr. DUELTGEN. Somewhere between four and five thousand.

Mr. SCOTT. And the farming immediately back of Rogers City, that feeds into Rogers City, has a population there of between fifteen and twenty thousand people?

Mr. DUELTGEN. Oh, I think so; yes, sir.

Mr. SCOTT. I think the committee would be glad to know your transportation facilities out of Rogers City.

Mr. DUELTGEN. Up to this time they have been fairly good. We do most of our shipping, in fact all of it, by boat. But, as Capt. Simpson has said, that under the seamen's act they were obliged to cut out some of the smaller towns on their route. We happened to be one of the unlucky ones.

Mr. SCOTT. What effect will that have up there?

Mr. DUELTGEN. Why, it will have a very serious effect. It deprives us of that water shipment, which is a thing we have relied on ever

since the existence of the town as our main shipping point. In other words, it puts us out of business practically.

Mr. ROWE. Have you any railroad facilities?

Mr. DUELTGEN. We have a road running in the back part of the country, but we do not get very good service. It is sort of a log road, but it is just better than nothing, of course.

Mr. WHITE. Is this the only steamship line?

Mr. DUELTGEN. Yes, sir. In former years we had other lines running there, but for the last 8 or 10 years this D. & C. line has been the only line that touched our port.

Mr. WHITE. Did they absorb the other lines or did the other lines go out of business?

Mr. DUELTGEN. They went out of business, I believe.

Mr. SCOTT. They were small wooden boats?

Mr. DUELTGEN. Oh, yes, sir; they were small boats and were out of date when this line came on.

Mrs. SCOTT. Rogers City has really developed to its present importance during the last 10 or 15 years, has it not?

Mr. DUELTGEN. It certainly has. We have more than doubled up in population and in every way. We have several large plants in there, and we, of course, rather feel that we are one of the important points on shore.

STATEMENT OF MR. JOHN HOEFT, JR., ROGERS CITY, MICH.

Mr. ROWE. Give your full name.

Mr. HOEFT. John Hoeft, jr.

Mr. ROWE. And your residence.

Mr. HOEFT. Rogers City; that is, within 3 miles of Rogers City. I operate a farm and am vice president of the farm bureau of the county.

Mr. SCOTT. Now, Mr. Hoeft, just state to the committee the importance of this service up there, how important it has been to the upgrowth of the community and how important it is to the public welfare that you have the continuance of the water service which you heretofore have enjoyed.

Mr. HOEFT. Well, may I go back a little further?

Mr. SCOTT. Certainly.

Mr. HOEFT. About 8 or 10 years ago we had a small line of boats operating in there which went out of business because they were too small for the trade, and we made some efforts to get the D. & C. boats in. In fact, we were only a small town, perhaps a thousand population or fifteen hundred, and we had a community subscription to take some of the bowlders out of the harbor, etc., and we pushed things along to eventually get the larger boats in, which we finally did.

After the boats came in there we got very good service. At that time our main industry, although farming was done on a pretty good scale, was mostly lumber. We have now completed our lumbering industry and we have gone into farming, and our main industry in the farming line is potatoes, and whereas in past years we used to ship eight to ten thousand bushels of potatoes to a load and keep the boats there two or three hours loading them, we have practically trebled our business and still intend to double it next year.

Last fall, on the 15th day of September, when these boats were pulled off, our potato farmers were just busy at potato digging and could not ship by boat. The proposition we were up against then was to get cars. We could not get them. We wanted them and could not get one-third enough. The result was a lot of the potatoes stayed there and spoiled up there in that country. And this spring we are up against the same thing. If those boats could have run from the 1st of May on we probably could have shipped ten or fifteen thousand bushels of potatoes, but now we must do the best we can with the car service we get. And after September 15—our farmers all work through the summer and about the 18th or 19th of September we have our State fair down at Detroit, and we have another fair at Grand Rapids, and just at that time we would like to take the boats and have to take the trains to go down, and the farmers do not feel very good about it. We are hit both ways.

Mr. SCOTT. How about your shipments after September 15 of farm produce? Under the present situation, you can not ship by water after September 15 because these boats are taken off?

Mr. HOEFT. No, sir; we can not; only by poor rail facilities.

Mr. SCOTT. When these boats were running in September and October, did you use them in shipping potatoes and farm produce?

Mr. HOEFT. Yes, sir; because we have kept them there two and three hours loading potatoes.

Mr. ROWE. Their new plan is not to stop there at all; is that the idea?

Mr. HOEFT. You mean the line now?

Mr. ROWE. Yes.

Mr. HOEFT. No; they have cut us off on their schedule this year.

Mr. ROWE. Even for the summer?

Mr. HOEFT. Entirely. They claim under this law, which we know nothing about—I am just here to see that we get the service if we can—they claim under this law they had to pull them off to make expenses.

Mr. ROWE. Would they operate there if you had a bill like this passed?

Mr. HOEFT. They have given us assurance they would.

Mr. ROWE. But would they be willing to operate from May 1 to October 15 if you had a bill of this kind passed?

Mr. HOEFT. It would help us out wonderfully.

Mr. ROWE. Would they be willing to? That is the question.

Mr. HOEFT. They have assured us they would.

Mr. SCOTT. I want to supplement Capt. Simpson's statement as to the condition of the weather up there on the Lakes. You have lived there as long as I have, and it is common knowledge, and I want to supplement it, as to the condition of the weather in October. How is our month of October in Michigan and on the Great Lakes?

Mr. HOEFT. I think October is one of the nicest months we have.

Mr. SCOTT. We never have any storms there in October, any more than we do in July and August, and never have?

Mr. HOEFT. No, sir; we do not.

Mr. WHITE. How long have you been having this boat service?

Mr. HOEFT. We have always had the boat service.

Mr. SCOTT. You mean the D. & C.?

Mr. WHITE. The D. & C.; yes.

Mr. HOEFT. I think it is 7 or 8 years. I am not positive just what year it is; it must be 7 or 8 years, or perhaps 10 years.

Mr. WHITE. Between what points does this D. & C. line run?

Mr. HOEFT. It did run, I think, from Toledo or Mackinaw City to St. Ignace.

Mr. WHITE. St. Ignace is up north of you—above you?

Mr. HOEFT. Yes, sir.

Mr. WHITE. What have been the regular stopping places of the boat from St. Ignace down to the south of your town?

Mr. HOEFT. You mean from the north down to our place?

Mr. WHITE. Yes.

Mr. HOEFT. They stopped at Mackinaw Island, which is a summer resort place, a tourist home in the summer time, and then Cheboygan, and then our stop.

Mr. WHITE. And what was the next stop below you?

Mr. HOEFT. Alpena.

Mr. WHITE. How far below you is that?

Mr. HOEFT. Forty miles.

Mr. WHITE. In discontinuing the service, how far off shore from your town would they run? What is their course?

Mr. HOEFT. I have not any idea. I think they run, by cutting out our town—when they pass us and go from Alpena to Cheboygan on a straight line, they are perhaps out 7 or 8 miles, perhaps 10 miles, where they would have to come in.

Mr. WHITE. And are they offshore about that distance all the way up to St. Ignace?

Mr. HOEFT. I could not state as to that. I think they are somewhere about that when they pass our port. We lie in sort of a cove in there.

Mr. HARDY. What size ships have been accustomed to stopping at your ports and what population do you have?

Mr. HOEFT. Our town is somewhere around 4,000, I think, at the present time.

Mr. HARDY. What size ships have been stopping there?

Mr. HOEFT. I am not a marine man, but if the name of the ships will help you, it is the *City of Alpena* and the *City of Mackinaw*.

Mr. WHITE. Have you any figures as to the number of passengers and the tonnage in freight that your town furnishes to the boats?

Mr. HOEFT. No. I did not come prepared with that, because I was only taking—all I do know is if the boats were running from the 1st of May of this year, that in the whole month of May we would have shipped somewhere around 20,000 bushels of potatoes by boat.

Mr. HARDY. How do you dispose of them now?

Mr. HOEFT. Whatever we can we dispose of by rail, but our main market is the city of Detroit and Cleveland and Buffalo.

Mr. HARDY. How far is the nearest town to you at which boats touch?

Mr. HOEFT. By water it is 90 miles from Alpena, as I understand it, to Rogers City. By land it is 42 miles by road.

Mr. WHITE. How near is the rail to you?

Mr. HOEFT. We have a stub line that run right into our town.

Mr. SCOTT. The main line is 16 or 17 miles away?

Mr. HOEFT. About 14 miles.

Mr. ROWE. Do they furnish you enough cars to send your potatoes?

Mr. HOEFT. That is our great trouble, we could not get the cars. The boats always helped us out. It is easy to load 5,000 and 6,000 bushels of potatoes on a boat where it will take a good many cars to handle that quantity.

Mr. ROWE. What is the difference in freight between your place and Detroit?

Mr. HOEFT. It is about one-third difference. The boat would be cheaper about 33 per cent.

Mr. HARDY. What is the relation existing between this boat line and the railroad?

Mr. SCOTT. What do you mean by that, Mr. Hardy; is it friendly or unfriendly?

Mr. HARDY. Is it friendly or unfriendly, and is there any business connection between them?

Mr. HOEFT. There is no business connection and, as far as their relations are concerned, I do not know. I have never heard anything either way. I think they must be rivals.

Mr. HARDY. You say they must be rivals, but the refusal or the failure of the boats to go by there would leave more freight for the roads, naturally?

Mr. HOEFT. It naturally would. But I do not think that is one of the causes here; I never heard of that.

Mr. HARDY. Is the water freight any higher now than it was a few years ago? Have they raised the rates on you for the shipment of freight by water from your town?

Mr. HOEFT. I am not in a position to tell, because last fall the boats were pulled off before we had any chance to ship, and this spring they did not run at all; so I was not in a position to know.

Mr. HARDY. All you know is the boats no longer touch at your ports for the purposes that you have been using them?

Mr. HOEFT. Yes, sir.

Mr. HARDY. You do not know of your own knowledge what the reason for this stoppage of service is?

Mr. HOEFT. They claimed and represented to us it was on account of the seaman's act.

Mr. HARDY. In what respect? What part of the seaman's act is it that they claim makes this necessary abandonment of your service?

Mr. HOEFT. They claim that is an order, as I understood them, that after the 15th day of September they were only allowed to carry a certain number of passengers with the same equipment and, as their passenger traffic is heavy, why it takes a good deal of their revenue away from them and they claim it does not pay them to run in there.

Mr. HARDY. They claim that the limitation on their passenger traffic destroys their profits? They are not allowed to carry——

Mr. HOEFT. That is the way I understand it; yes.

Mr. HARDY. What they want, then, is the privilege of carrying more passengers?

Mr. HOEFT. Yes, sir. They want the season extended, as I understand, for one month from the 15th of September to the 15th of October, so that the regulations for that month would be the same as they are for the summer months.

Mr. ROWE. Do you wish to say anything else?

Mr. HOEFT. I just wish to state that a coincidence happened last fall, that there were 19 of us there for the boat, and I was one of the 19. This was on a Saturday night. We have no Sunday train service. The boat would not take us, and we were a pretty sore bunch, and if we could have stormed the boat we would have got on board.

Mr. ROWE. What day of the month was that?

Mr. HOEFT. I think it was the 15th or 16th of September, if I remember right—just shortly after the 15th. We were going down to the State fair. The result was we had to take the train the next morning, and we had to drive 42 miles to get across to Alpena, and had a boat stop and could not take us on board.

STATEMENT OF MR. THOMAS CONWAY, 701 MAIN STREET, BUFFALO, N. Y., SECRETARY OF THE MARINE FIREMEN, OILERS, WATER TENDERS AND COAL PASSERS, AND VICE PRESIDENT OF THE INTERNATIONAL SEAMEN'S UNION.

Mr. CONWAY. I just wish first to take up the question here of section 2, "all merchant vessels of the United States of more than 100 gross tons," putting back the firemen and oilers onto the watch and watch, or, in other words, 84 hours a week.

Gentlemen, a fire hole is not a very comfortable place. The handling of coal, the shoveling of coal and the burning of coal in a fire hole of a steamboat is exceptionally hard work. The heat, the handling of the coal and the other conditions such as dust and every other thing that enters into it makes it hard, and this contemplates to have men work 84 hours a week under such conditions.

Mr. SCOTT. How do you get that?

Mr. CONWAY. Seven times 12 is 84.

Mr. SCOTT. Where do you get your 12?

Mr. CONWAY. Watch and watch; six on and six off.

Mr. SCOTT. Where will you find that in the bill?

Mr. CONWAY. Provided that in all merchant vessels of the United States of more than 100 tons gross operating on the Great Lakes, where the trip run is more than 8 hours and less than 16 hours, except those navigating rivers, harbors, bays, or sounds exclusively, the sailors, oilers, water tenders, and firemen shall be divided into at least two watches.

Mr. HARDY. From what are you reading?

Mr. CONWAY. From the bill, H. R. 12396.

Mr. ROWE. Beginning at line 5.

Mr. SCOTT. I provide that they shall carry at least two watches.

Mr. CONWAY. At least two; that is all they will carry. And men ashore are asking for a 40-hour week and for a 44-hour week, and in a great many cases are getting it. Mostly all the basic industries have it. This bill contemplates working the firemen 84 hours. I say, gentlemen, it is unfair, it is unreasonable, and it is unthinkable, and if you want to do anything to drive the Americans off of those vessels adopt that section of the bill. I, as an American, who have done nothing else but steamboat all my life on the Great Lakes, I would not any more go back to those conditions than I would think about going up to the top of this roof and jumping off. And these people who are all here, who are here in favor of this bill—why, we

have only got the three-watch system with them and they have accepted it, and the coal passers, and have agreed to that voluntarily not three weeks ago, and now they come here and approve such a thing. I can not understand their attitude; I am really surprised to see these gentlemen here.

Mr. SCOTT. That situation was brought about not in consequence of any legislation, but in consequence of an agreement that you gentlemen entered into. Only this spring you entered into an agreement on the Great Lakes that was evidently agreeable to the operators and the employees. Now, my thought is this, and I would like to have you think about it: I have no objections to the coal passers and the firemen and the engineers and everybody sitting around the board with their employers making any arrangement they want to as to their employment, and you can do it, and you are doing it in spite of the law. And my thought was this: Why put in a law exactly what the employer shall do relative to the operation of his own property?

Mr. CONWAY. Why put two watches in instead of three?

Mr. SCOTT. I say not less than two in my bill. Suppose I said in my bill, instead of saying not less than two, not more than five watches. Would that be satisfactory?

Mr. CONWAY. No; I think the law should remain as it is. I think everything is going along peacefully and harmoniously up there. The men we do business with—there is not one of them here that has a word of complaint; they have agreed to this; they have voluntarily done it—not through any coercion or anything else—and here comes a bill in amending the law. I do not know the reason of it. The reason is to give somebody an opportunity, the reason behind the law—or, if that is not the reason, at least it gives this opportunity to our employers—if they are in a position to do so, to work us not less than 84 hours per week, which I say is inhuman and out of the question at this time. And I say that section of the law, that nobody who knows anything about firing a steamboat can honestly say is a fair proposition.

Mr. HARDY. As I understand you, you believe the hours to work ought to have a minimum?

Mr. CONWAY. Yes.

Mr. SCOTT. There is a minimum of nine hours.

Mr. HARDY. The maximum now is four hours a week, under the possibilities of this paragraph.

Mr. CONWAY. That is the minimum.

Mr. HARDY. That would be the maximum under the possibilities. You might have a maximum of four hours, but what you want is a certain standard that shall not be exceeded—I mean, a reasonable maximum.

Mr. ROWE. What do you say about the first part of section 2a, where it says the trip run is eight hours or less?

Mr. CONWAY. I say the same, absolutely.

Mr. ROWE. How much would the man work there?

Mr. CONWAY. They work night and day—24 hours a day.

Mr. ROWE. Don't you have any boats on the Lakes that just make a run of eight hours?

Mr. CONWAY. There are one or two boats that have a run of eight hours.

Mr. ROWE. Eight hours?

Mr. CONWAY. The men stay on the boat when the boat is tied to the dock, and there is just as much work to do as there is outside.

Mr. ROWE. For three crews?

Mr. CONWAY. For three crews; sure. There is the upkeep of the boilers, the cleaning of the boilers, the cleaning of the furnaces, and the blowing of the flues, and a hundred and one different things to do. Take, for instance, Capt. Simpson's boat——

Mr. SCOTT. Do not take Capt. Simpson's boat.

Mr. CONWAY. I can take that and show you what they do on an eight-hour run.

Mr. SCOTT. Take a sand sucker.

Mr. CONWAY. What sand sucker do you want?

Mr. SCOTT. Take any one.

Mr. CONWAY. I can show you one in Chicago, and if you stay four days on her there is a bonus; if you fire that boat for four days you get a bonus. Sure you can pick out little exceptions. But take Capt. Simpson's boats (he is the shore captain of that line), the Eastern and Western States. What happens? After getting the seaman's law adopted by Congress, the House of Representatives and the Senate, and the President signing it, and getting a three-watch system, Capt. Simpson's company comes along and they say, "Well, the three-watch system is so and so"; not 3 on and 6 off, nor 4 on and 8 off, but, gentlemen, 8 on and 16 off. The President of the United States and both Houses of Congress said that six hours continuous in a fire hole was too long, but Mr. Shontz and the D. & C. Line people said, "Mr. President and Mr. United States Congress, you are all wrong. I know that eight hours is the right time." And they work the men on the Eastern and Western States right to this day—8 hours on and 16 off; two men on watch in port and four outside. We had those boats tied up if we wanted to be unfair or wanted to take advantage of that and could have forced them to do it; but we do not do those things. We try to get them convinced it is wrong, and we try to get them to obey the law and hope eventually we will be able to do so.

Now ,take the question of the life-saving appliances. I am a fireman. I heard the Congressman say the month of October is the very finest month on the Lakes. The month of October is known among seamen on the Lakes, no matter what it is known by men on shore, as the worse month of the year. We have the equinoctial storms in the month of October, and it is known as the worst month on the Lakes.

Mr. SCOTT. When did you sail?

Mr. CONWAY. I sailed in 1909.

Mr. SCOTT. Will you tell me of one storm in October that you were ever in?

Mr. CONWAY. I was in a great many storms, Mr. Congressman.

Mr. SCOTT. All I want is one. I have lived up there for 42 years, and I never saw a real storm in my life in the month of October, and I used to sail, too.

Mr. CONWAY. Do you remember 1905?

Md. SCOTT. The Galveston storm?

Mr. CONWAY. No; the 1905 Lake storm.

Mr. SCOTT. No; but I remember the one when the boat went down off the Port of Huron in the month of November; that was the earliest, in November.

Mr. CONWAY. That was when it stormed so hard it turned the boats upside down.

Mr. SCOTT. That was on the 9th of November.

Mr. CONWAY. And this little place where these boats run, Saginaw Bay, is known as the sailors' grave, this calm little bay up there. Saginaw Bay, from Pointe Aux Barques to Tawas Bay Island is known as the sailors' grave for years and years, from very far back of my time—this very same place. Now, I am a fireman on a steamboat; I am down in the fire hole; I am working. Something happens to that vessel, and we have to clear the vessel and leave the vessel. And don't you think it is only reasonable for me to expect there shall be a lifeboat for me? Don't you think I realize—I, at least, if nobody else does—that I do enough for society, at least, in time of danger of the vessel, to give me a reasonable opportunity to save my life?

Mr. SCOTT. You have it now?

Mr. CONWAY. Sure I do.

Mr. SCOTT. I do not see that this makes any change.

Mr. CONWAY. Yes; you ask for an extension; you ask for the same conditions in the fall months that you have in the summer now.

Mr. SCOTT. I ask for the same privilege for the people in my country that you tourists get when you go up there.

Mr. CONWAY. I am not a tourist; I have not any time for touring; you take that from me.

Mr. HARDY. You started to tell about the storm in 1905. Do you remember any storm that occurred in October or November?

Mr. CONWAY. Yes. Although the Congressman lives up there, we have a lot of storms up there. I am not going to argue the point with you, but I will just tell you this: That Capt. Simpson, before this Committee on the Merchant Marine and Fisheries, the first time he testified, made the statement he was captain or master of the finest passenger boat afloat, running between Detroit and Buffalo, and during that whole season—this was in the month of December—he never came in late to port at either end of the route. We went to the trouble of going over to the Weather Bureau here and getting the statistics for each and every day during the year, and we proved conclusively there were not only storms but fogs and everything else. The same Capt. Simpson testified to that; also testified at that time his father was born on a raft outside of Quebec. I remember that very distinctly.

Now, I say there should be no change in the law. The other two gentlemen who talked here—what has the life-saving appliances got to do with potatoes? They do not save potatoes. If they have so much business out of Rogers City with the freight, they can afford to run those boats without carrying any passengers if they can overload them with freight. And the question of life-saving appliances for potatoes—we are not here asking for that. But we do ask for a reasonable opportunity to save our lives in time of accident. Now, surely to God, although we have been forgotten for years and years, the seamen to-day are going to demand to be recognized from the people and to be given an opportunity to live the same as other men live. And we value our lives at just as much as anybody values their life, and we, as seamen, demand that we be given a reasonable opportunity to save our lives in time of accident. My opinion is that the boat shall carry sufficient lifeboat capacity for each and every person aboard her at all times of the year. That is my personal opinion. But we could not get that from Congress when the seaman's law was passed, and we took the best they would give us. We are satisfied with it, and we say to you now the thing should remain as it is, although it is not perfect.

Mr. SCOTT. How long would it take the D. & C. people to beach a boat on their line.

Mr. CONWAY. I do not know whether, if I was on a boat, I would want her beached or not.

Mr. SCOTT. How many people have the D. & C. lost during the 40 years they have been operating.

Mr. CONWAY. That is a question I could not answer.

Mr. SCOTT. They only had one accident and that was a hurricane at Thunder Bay Island in 1876.

Mr. CONWAY. And the *Eastland* never drowned a person before she drowned them.

Mr. SCOTT. And the *Eastland* was tied up to the dock and tipped over.

Mr. CONWAY. But she had never done that before.

Mr. SCOTT. And if they had had 4,000 lifeboats on there they could not have saved them.

Mr. CONWAY. We are not going to kid ourselves about this proposition; not at all. I am not going to kid myself, Congressman; that is a thing I very seldom do. I very seldom kid myself, and I do not try to kid anyone else, either.

Mr. SCOTT. But there are enough life-saving suits on there for 25 per cent more passengers than are on board, are there not, on every one of those boats?

Mr. CONWAY. Lifeboats?

Mr. SCOTT. No; life-saving apparatus appliances, under the bed and hanging under the chandeliers and everything else?

Mr. CONWAY. We proved at one time before this committee, or a committee of Congress, that one of those instead of saving you drowned you.

STATEMENT OF MR. PATRICK O'BRIEN, CHICAGO, ILL., SECRETARY OF THE SAILORS' UNION OF THE GREAT LAKES.

Mr. O'BRIEN. Representing the sailors, Mr. Chairman and gentlemen, I have been sent here to protest against the passage of this bill. Of course, when we received the copy of the bill we did not take it seriously; we did not imagine Congress would ever dream of passing a bill such as this, considering the fact that we are in possession of advertisements issued by all of the big shipbuilders and shipowners of the country, calling upon Congress to maintain the present law. This is a copy of an advertisement that I have reference to. That advertisement has not been put in by the seamen, and it has appeared in all of the big newspapers of the country. Consequently, when this bill appeared on the scene, we were rather surprised, especially when it attacked the things that meant the saving of life.

(The advertisement referred to is as follows:)

Washington, April 13.—Shipping legislation during the present session of Congress presents a number of remarkable features, the chief of which is the

nonpartisan character of the efforts that are now being made for the speedy enactment of laws that will assist in the permanent upbuilding of the merchant marine.

Unlike previous years, there are no divisions on issues along party lines. More than a dozen bills on shipping have been recommended unanimously by the House Committee on the Merchant Marine and Fisheries and have been passed by the House without a vote, according to parties. * * * (Washington bureau of the Journal of Commerce.)

PULLING TOGETHER FOR A PERMANENT MERCHANT MARINE.

For the first time since the Civil War we have a real merchant marine. This fleet of American-owned ships operated under the American flag cost us $3,000,000,000.

Since 1917 we have spent as much money building ships as was represented by the value of all the ships in the world before the war.

Are you going to keep this great fleet?

From every quarter the answer to this question is "Yes." But how?

1. Congress is now formulating constructive measures designed to keep the American flag upon the sea.

2. It is evident that these measures should take the form of law before Government vessels are sold to private owners, since it is apparent that ships sold in advance of pending congressional action will be sold at a price too low if a strong shipping policy is resolved upon, and too high if America is to remain in a position of weakness on the seas.

3. Congress in 1915 passed the seaman's act to raise the standard of American labor at sea. This act, which has made seafaring an attractive avocation for Americans, has operated to equalize the cost of operation as between American and foreign vessels. The seaman's law, therefore, should remain in force in substantially its present form. Constructive legislation will do for the American ship what this act has done for the American seaman.

The Committee of American Shipbuilders, in a series of advertisements, will place before the public their views of the more important phases of the situation.

In this way the committee hopes to assist in bringing about a right solution of questions vital to the future prosperity of shipbuilding, but equally vital to the safety and prosperity of the Nation.

Ask for a free copy of "For an American Merchant Marine."

Committee of American Shipbuilders, 30 Church Street, New York City: J. W. Powell (chairman), vice president Bethlehem Shipbuilding Corporation (Ltd.), Bethlehem, Pa.; H. A. Evans, president Baltimore Dry Dock & Shipbuilding Co., Baltimore, Md.; A. C. Pessano, chairman board of directors Great Lakes Engineering Works, Detroit, Mich.; J. W. Mason, president Western Pipe & Steel Co. of California, San Francisco, Calif.; H. E. Taylor, vice president William Cramp & Sons Ship & Engine Building Co., Philadelphia, Pa.; J. F. Duthie, president J. F. Duthie & Co., Seattle, Wash.

I heard Capt. Simpson testify here that the able seaman was not as competent a man to-day as the able seaman should be, simply because of the fact that there was no examination. Now, we are quite willing that this bill should be amended, all of the other things wiped out, and an examination of able seamen put in in its stead, so that there will be no danger of finding men on board the ships who are not qualified to serve as able seamen. It is not our fault that that examination was not in there; it is the fault of the vessel owners, who objected to the examination and would only stand for an examination of a physical nature. Now, we fought strenuously to bring that about in the last bill. The life-saving of the sailor himself, the qualifications of the able seaman in saving life, the examination and the necessary amount of service has been attacked, and we are trying to prevent a reduction in the time for the seaman to acquire the amount of necessary knowledge in order that he may be able to save the lives of the people aboard the ships. On this question we have already solved the amount of hours that that man should work, and

we did not put any more men on board either, with the exception of on the car ferries on Lake Michigan. These gentlemen entered into an agreement with us who are present here for an eight-hour day, not a nine-hour day. Now, I do not suppose the Government is going to try to impose more hours?

Mr. SCOTT. I am going to ask that that be stricken out, so that you need not worry about that. I put it in, because I drafted this bill before you entered into this agreement, and I am for you. It is all right, any agreement you can make. That is the position I take; I take the position that you fellows can get anything you want over the board and get better results, as far as you are concerned, than you can get by legislation.

Mr. O'BRIEN. We did not know that that bill had been drafted at that time, and we did not know until recently it was drafted at all.

Mr. SCOTT. You made your arrangement after I put in my bill.

Mr. HARDY. I understand you propose to change this in line 4, page 2, to eight hours?

Mr. SCOTT. Oh, no; I propose to strike that right out and let them go by their agreement.

Mr. ROWE. You mean the proviso from lines 5 to 13?

Mr. SCOTT. Yes. I am willing to accept the agreement that the seamen's union and the firemen's union and all the other unions have made. I do not want to disturb it, and therefore I intend to yield. I am going to ask the committee to strike that provision out.

Mr. O'BRIEN. This provision here, that on the Great Lakes if able seamen are not obtainable certificated lifeboat men may be used in lieu thereof in a number not to exceed 25 per cent of the deck crew. Now, to-day, the inspection service allows the captain to leave port, any port, if he has not and can not get the amount of able seamen, and all he has to do is to notify the inspection service of the fact that he has left port without the amount of seamen required by the law. And he don't even have to go to find certificated lifeboat men, because they would be just as difficult to find as able seamen in some of the ports you are talking about, especially in this trade.

Mr. BURROUGHS. There is no law that justifies that.

Mr. SCOTT. No. What penalty does he pay?

Mr. O'BRIEN. He has a $50 penalty.

Mr. SCOTT. He is a criminal if he goes out——

Mr. O'BRIEN. Without notifying them.

Mr. SCOTT. It does not make any difference whether he notifies them or not.

Mr. O'BRIEN. Oh, yes it does.

Mr. SCOTT. He gets a refund.

Mr. ROWE. He is fined, but he hopes to get a refund; that is the idea?

Mr. O'BRIEN. No. If he sends in his notification that he is leaving, of course he gets his $50 back. In fact he never pays the $50; it is refunded without passing over the $50 at all. You can not call that a fine; it is simply a passage of letters. And there is no necessity for this thing unless you want to place an obstruction in the way of the captains to find certificated lifeboat men and to use those, unless you try to claim the amount of men on board are qualified to serve. If that is your idea, that vessels can leave without

having to enter any notification to the inspection service that the men qualified to act as able seamen were not on board, then if you remove this restriction you will give the opportunity to the vessel owners to sail without having any able seamen on board at all. That is the point.

Mr. ROWE. What proportion has to be able seamen on the Great Lakes?

Mr. O'BRIEN. Sixty-five per cent.

Mr. SCOTT. Will you let me ask a question right along that point? I do not want to take your time, because regardless of what you might think about it, I intend to hew as closely to a fair line as I can, even though you may not think so. The most of the able-bodied seamen crew we carry on the Great Lakes is about 16 in the heavy season?

Mr. O'BRIEN. I think, Mr. Thorp, it is a great deal more than than.

Mr. THORP. We do not have to carry more than 16. We have done it voluntarily on one boat only.

Mr. SCOTT. I am confining myself to what I know about; that is 16. Now, under my bill I provide if they are absolutely unable to get a complete complement of 16 that, in that event, they may only reduce it 25 per cent, supplement them to the extent of 25 per cent. That would be four. They would be obliged in any event to take 12 able-bodied seamen, which is usually the amount they carry in the off season, or light season, and in the heavy season they carry 16. But even under the strictest interpretation of my bill I only allow them to reduce the able-bodied seamen four in the largest number of able-bodied seamen crews they now carry, to my knowledge. You get my thought?

Mr. O'BRIEN. Yes; I get your position thoroughly. I am trying to explain mine. My position is this, that if this thing is made law, this paragraph right here that amends section 13, it will be construed and acted upon to mean that the vessel can leave without any able seamen aboard.

Mr. SCOTT. Then I will tell you what I will do with you there——

Mr. HARDY. Let us see how he can explain his position; let us give him a chance to make his position clear.

Mr. SCOTT. All right.

Mr. O'BRIEN. It says right here—you might say differently, but I am reading the bill, Mr. Scott—that on the Great Lakes if able seamen are not obtainable—it does say 25 per cent of the deck crew, of course, but if there are no able seamen to be obtained the whole crew may be certificated men. And if you can not get men, you can not manufacture them. The vessel is allowed to go off without them. Up there last season, last fall, owing to the steel strike and the tying up of quite a number of vessels for a short period there were 2,400 able seamen left the Great Lakes for the Atlantic coast.

Mr. SCOTT. That is probably because you closed the season there and would not let them work. I want to give them two months more work, and you fellows won't let me.

Mr. O'BRIEN. No, sir. There were 2,400 seamen left the Lakes and went to the Atlantic. Then when the boats started up again some of them ran with three men short or with four able seamen without certificates. There was no question as to their right to do it.

They did it because the men were not obtainable; the major portion of the men had left the Lakes for the coast because of the tying up of the Steel Trust vessels. And in a number of instances there were ships manned by a majority of the crews not certificated able seamen. So it is not necessary, because the rule is to-day that if a vessel can not get the able seamen they are permitted to sail, and there is no danger to the vessel. And if you insist upon this thing and if you find you have not certificated lifeboat men on board and the men on board to fill in the amounts you require, then the vessel can not sail, because it would be just as difficult in Alpena to find certificated lifeboat men as it would be to find able seamen; whereas to-day you can take so many men aboard. They may not be able to do the work and will not be able to do the work as efficiently as able seamen would, but they can fill in until you get to the next port.

Mr. HARDY. Do I understand you to say under the present law if a master fails, after due diligence, if he is unable to get the required number of able seamen, he has a right, on making application, to be granted leave to sail anyhow?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. But he can not sail until he makes that showing?

Mr. O'BRIEN. He is fined $50 if he does.

Mr. HARDY. He has to make that showing before he is given permission to sail without the requisite seamen?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. And this would give him the right, without making any showing, to take 25 per cent less than 60 per cent of able seamen?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. In other words, instead of 12 men, he would go on with 9 men and make no application to authorize him to do it?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. You say, now, if it is impossible to get these seamen, he goes and makes that showing before the steamboat-service officers and is granted permission to sail without them?

Mr. O'BRIEN. Yes, sir.

Mr. HARDY. But with this he would not have to make any showing?

Mr. O'BRIEN. No, sir; the law then would allow that.

Mr. SCOTT. No. Instead of imposing the penalty, instead of making the man a criminal, Judge, to start with, simply because something occurs over which he has no control, my bill allows him to do it. Of course, he would be obliged to make a report under the other provisions, but instead of being penalized, the Department of Commerce would have notice he had gone on and was unable to find able-bodied seamen and had taken 25 per cent, or three men, who were certificated lifeboat men, in place of able seamen. Now, the Department of Commerce would investigate it, and if they found out this captain had able seamen there on the dock and refused to take them for any reason, then they would impose the penalty just the same as they do now.

Mr. WHITE. Let me ask a question and see if I can get this clear in my own mind: Under section 13 of the seaman's law as it now stands, a vessel is not permitted to clear unless she has on board in her deck crew 65 per cent of able seamen constituting the deck crew. As a matter of fact, under the practice which is in existence, if that percentage of able seamen is not obtainable, the master sails, filling

his crew without them. He is liable to the penalty; but, again, as a matter of practice, that penalty is remitted——

Mr. O'BRIEN. Yes, sir.

Mr. WHITE. When the inspectors are satisfied that the 65 per cent of the able seamen were not obtainable. Now, I can not see myself that this section 13–a affects that situation at all. It does not make any reference to section 13 of the seaman's act whatsoever, but is simply permissive, and says that of that deck crew they may use not to exceed 25 per cent of certificated lifeboat men. Suppose the captain of a boat or the master does not choose to avail himself of this provision to put on 25 per cent of certificated lifeboat seamen, he still can operate under section 13 of the seaman's law just precisely as he does now. Is not that the situation?

Mr. SCOTT. Yes; it is the situation; only I intend, as a matter of protection, as provided in the bill, instead of making it the deck crew, I intend to ask the committee to amend that by making it not to exceed 25 per cent of the able seamen required. Then there won't be any question about it that they will be required to carry able seamen.

Mr. O'BRIEN. I hope my time is not taken up by this. What I want to prove is this—or to show, rather—that you are going to make it practically impossible for the vessel to get out of the port if you insist upon this thing—if you insist upon this thing—because there might be a time when you would have neither able seamen nor certificated lifeboat men.

Mr. SCOTT. Then he could not leave.

Mr. O'BRIEN. Do you want to tie up the vessel?

Mr. SCOTT. No. Then he could go, as Mr. White says, under the same provision now in the seaman's law. He could violate the law and go.

Mr. O'BRIEN. I see the danger if the representatives of the vessels do not, or the vessel owners; I see what is liable to happen, because there are times when it is impossible to get men in the ports that some of the vessels run into on the Lakes. There are times when the vessel goes into a place where there is only cargo once a month, and the sailors are not going to stay around and wait until that vessel comes in with the idea there might possibly be a job. And for that reason you are going to impose a hardship right on the vessel owners; and if the vessel owner thinks it over he will see he is going to be placed up against it himself. I do not know whether the vessel owners are in favor of this thing or not; it is hard to conceive that they are—not after the things that have been injected in here.

On this other question about certificated lifeboat men and how they pass examinations: I passed an examination, too; I carry a lifeboat certificate. I was a qualified able seaman, served aboard all types of vessels. I saw the other fellows being examined also. I had no power to say you shall give a thorough examination. But even if you did give a thorough examination, that could not be given down at a life-saving station or inside any other station. You could not give them the examination that is essential for the saving of life at sea, because you do not handle boats filled with passengers that are being lowered in any examination. Lowering an empty boat, a yawl

boat, if you please, that has about one-fifth of the weight of the lifeboat on the average ship filled with passengers, is not an examination. In the first place, a man has on his hands a weight practically amounting to, if the lifeboat carries 60 people, approximately about four tons, that he has on his end of the boat, taking the weight of the boat and all. How many of these wonderful fellows who have not had the amount of time necessary to qualify as able seamen who are so skilled that they can go down and pass an examination lowering a lifeboat? I would like to give an examination to all these fellows: I would like to ask some questions of these fellows who are more skilled than the able seaman. Now, I say that they are not as skilled and that the opportunities for examinations are not sufficiently strenuous; that there is not an opportunity given to the man to show his qualifications. I do agree, though, with Capt. Simpson, and will gladly insert in this bill, if Capt. Simpson will recommend it, or recommend some other bill, a recommendation that the examination clause be attached to the three-years and the 18-months service. It will do away with any danger that we are now confronted with from lack of experience on account of the men.

STATEMENT OF MR. F. L. LECKIE, 1020 ROCKEFELLER, BUILDING, CLEVELAND, OHIO, SECRETARY OF THE GREAT LAKES PASSENGER LINES ASSOCIATION.

Mr. ROWE. Give the committee your full name and state in what capacity you appear.

Mr. LECKIE. F. L. Leckie; 1020 Rockefeller Building, Cleveland, Ohio. On the Great Lakes we have an association known as the Great Lakes Passenger Lines Association. I am now speaking as secretary of that association. It does not have all of the passenger lines of the Great Lakes, but the greater percentage.

This is not our bill; this is Mr. Scott's bill. We are called down here as sort of guests just to answer questions. We are in favor of the bill as far as it goes. There are three things that he is really talking about in this bill, as I read it. One is the watch system business. The reason we are in favor of that is that a great many of our passenger lines run on schedule and have a short run of 4, 5, 7, 8, or 10 hours. On some of them, that is the only run they make in 24 hours. The real hard work of the firemen is while the boat is running outside, and while the boat is lying at the dock I would not want to say exactly all that the firemen do while the boat is lying at the dock, but I take it they do not work as hard as when they are actually shoveling the coal when the boat is under full pressure to make her time. In fact, I think since the unions have become so strong, probably the firemen do not do a great deal in port except to keep up such fires as are necessary to keep up the steam. Mr. Conway will say that they scald down the engine, and do this, that, and the other thing. Probably some practical man would differ with him on that. On that part of it, we feel that is one reason it does not seem quite right to say there shall be three watches of firemen on boats that run only 7, 8, 9, or 10 hours during the 24.

Mr. Conway figures they work 84 hours a week. That just amounts to seven days for each man and 12 hours a day. Of course, if you have a boat that only has a run of seven hours each day,

that would be 49 hours a week. And if you have two watches, then it is one-half, and if you have three watches, then it is one-third of that that each crew stands. And a good part of that is in port, and not out on the lake at all.

In that particular section I would like to have eliminated the language "Except that at all times nine hours shall constitute a day's work," because that is taken care of in another place in the bill.

Mr. SCOTT. That is taken care of by the agreement made with them, that I did not know anything about until a short time ago.

Mr. LECKIE. On that agreement, let me say, both Mr. Conway and Mr. O'Brien have referred to that as a voluntary agreement. It was hardly that. We sat with them for two days, wrestling pretty strenuously away into the night a good part of the time, and those gentlemen sat there with their coats on their arms and their hats in their hands and, no matter what we would talk about they would say, "The three-watch system is going into effect, and unless you enter into that right now, there is nothing else to be talked about it." If that is a voluntary agreement, then we made a voluntary agreement. It is an agreement which we have signed up, but we would not want to be tied up to it by law. We think these gentlemen are now in the full flush of their power, and naturally are taking advantage of it; but we think they will modify their demands and become more reasonable, and probably we will get back to our two-watch system.

In the next section of the bill Mr. Scott absolutely has in mind permission to substitute certificated boatmen in lieu of able seamen when they are not obtainable. That is only an emergency measure, just where we can not get able seamen. Then we would have that opportunity to be allowed to put in 25 per cent certificated boatmen until we get to the next port where we can get able seamen. It is not a permanent authorization at all, but just to help out in an emergency. Our boats run on schedule time. We make connections at every port with railroad trains. We have to get there on time, or it will be impossible to make connections, and then the people feel sore about it. And then, too, half an hour before the boat is ready to go, half of the able seamen may jump off, and we do not like to be put to the proposition of being fined every time that occurs and the boat goes. These gentlemen tell you 2,400 seamen went down to the Atlantic coast last fall and have not come back, and there is a great dearth of able seamen—all the more reason why we should have some measure to allow us to put some men in there and serve the public and get from port to port.

Mr. HARDY. Have not you a right to do that under the law now?

Mr. LECKIE. I am going into the fine business now.

Mr. HARDY. You are not fined?

Mr. LECKIE. Yes, we are. Let me tell you about the fines. There are two fines: One is on the master of the ship if he does not report the ship went within 12 hours after he gets to the next port. If he makes his report, that is the end to the fine and he is through with it. First he is fined, but if he does make the report he gets the fine remitted; if he does not make it, the fine is not remitted. But, anyhow, the ship or the owner gets a fine of $100 in the case of a seamen and $500 in the case of an officer—he gets the fine put on him

whether or not there are any extenuating circumstances. The fine is levied in accordance with the strict letter of the law.

Mr. HARDY. Now, is he fined?

Mr. LECKIE. Yes; he is fined first: and then he has a right to file an application with the Secretary of Commerce and if he can show sufficient extenuating circumstances, they will remit the fine, if they see fit, in their judgment.

Mr. HARDY. The law reads if he does not make a report.

Mr. LECKIE. The captain is fined if he does not make a report in 12 hours—he is fined $50 which he does not get back. But if the captain runs short, the owner is fined willy-nilly. He is fined $100 in the case of a seaman and $500 in the case of an officer. Then he has the privilege under the law of filing a petition with the Secretary of Commerce and if the Secretary of Commerce thinks the circumstances are such that he was justified in going, he gets it back; otherwise not.

Mr. HARDY. Is not the amendment you need an amendment to make the owner just like the captain and make the penalty depend on the captain's making the report?

Mr. LECKIE. That will be one way. These gentlemen here say we will have just as much trouble in getting certificated boatmen as able seamen, but in all the passenger boat crews we have a great quantity of the certificated boatmen, a great quantity of boatmen already there.

Mr. HARDY. It seems to me under the law as it is, your captain is exempt if he is unable to get the able seamen required, if he makes his report within 12 hours?

Mr. LECKIE. If he makes his report he is sure.

Mr. HARDY. I think the owner of the ship ought to be excused if the men operating the ship are excused, but this section gives the captain the right to go with less than the required number of able seamen and makes no report of it at all.

Mr. LECKIE. Mr. Scott does not put it that way. In that section 13, I would like to have this: In place of where it says 25 per cent of the deck crew, we all understand it is 25 per cent of the number of able seamen required, so why not change that language to say to the number of 25 per cent of the able seamen required, so that there won't be any question about the construction.

I want to say further on that matter of the penalty that I am informed from my office that there is now a communication on my desk from the Customs Department notifying us that they have word from the Commerce Department in Washington that during the stress of circumstances in the period of the war the fines had been remitted; but from now on, the stress of the war being over, that is not to be established as a precedent, and the tenor of the letter is the fines will no longer be remitted.

Section 14a; that is an extension of the season. The thought apparently in Mr. Scott's mind is about his constituents up there, and I can see that. Here is a ship, to use Capt. Simpson's illustration, that carries 703 passengers, which she is allowed to do up to the 15th of that month. Right at midnight on the 15th she is cut off and allowed 160 or 150. The people want the service; we want to give it to them; but it does not seem necessary, to my mind, to just

arbitrarily clip it off right at that time. You talk about the weather; whether or not that is the criterion to go by; whether or not the weather is such it must be cut down for the purpose of saving life, etc., or the possibility of it. I would not go quite to the extent, as some have said, of saying that there are no storms in October——

Mr. ROWE. How about up to the 15th of October?

Mr. LECKIE. We have storms in June; we have storms in July; we have storms all the time, and are liable to have them all the time. But I would say, gentlemen, we have no more violent storms in October than we do in September. Mr. Conway spoke about the equinoctial storms in October. I think the equinoctial storms come in September. They pretty usually get a blow along in October, but, I think, if you will look up the statistics, you will find the weather is not as severe in October as it is in September; at least, it is not so severe you should arbitrarily cut off the season at that time if extending the season is going to allow us to carry enough people to do business.

STATEMENT OF MR. PATRICK FLYNN, FIRST VICE PRESIDENT OF THE INTERNATIONAL SEAMENS' UNION OF AMERICA.

Mr. FLYNN. With reference to section 2*a*, the amendment there, that has been covered pretty well by my colleagues and I have no desire to go into that any further at this particular time.

Irrespective of the statements of the gentlemen from the other side as to section 13, all that is asked for in Mr. Scott's bill is already statute law.

Mr. SCOTT. Then, why object to it; if it is a law now, what is wrong about repeating it?

Mr. FLYNN. For this reason: You want to get out from underneath there with this 25 per cent and have it said the captain does not have to report, does not have to make any statement. You do not want to have anything at all there. That is the reason why we object. And we can not understand why this thing is asked for in view of the fact it has been statute law for all these many years. And the statement of Mr. Leckie and all these other gentlemen around here, it is the same story that has been told to Congress for the last 35 or 40 years—varied, of course, a little here and there. But in the main and substantially it is identically the same thing. And, as I say, a peculiar thing about this is all the statements that were made by the gentlemen on the other side have proven to be to the contrary. There is not a statement that they have made against the seaman's act or any bill that was proposed to amend the seaman's act but what you can take their own arguments and show them where they have been absolutely in error in their statements.

Mr. SCOTT. Will you let me ask you a question?

Mr. FLYNN. Yes.

Mr. SCOTT. My purpose in introducing this bill is to extend the season one month so that my people up there, my relatives, constituents, and friends can have the same privileges on board ship that the tourists can have during the summer. What is your objection to that?

Mr. FLYNN. And they say that it is not that; that it is a question of the tourist traffic. That is their statement.

Mr. SCOTT. Oh, no.

Mr. FLYNN. It is right here.

Mr. HARDY. Read the statement to which you have reference.

Mr. FLYNN. These are the arguments pertaining to the Wilson and La Follette seaman's bill in the Sixty-third Congress, and this is the statement of Mr. Shonts, vice president of the Detroit & Cleveland Steamship Co., Detroit, Mich. He says:

> Briefly, what this bill will do if it becomes a law: It will take the stars and stripes off the package freight and passenger steamers and kill this class of merchant marine on the Great Lakes; it will force all the American tourists who desire Lake trips to travel via Canadian lines.

Mr. SCOTT. And that is exactly what it does do. I did not know he said that, but that is the truth.

Mr. FLYNN. Yes; but it has not done it. Here we are since 1915 up to 1920 and their boats are still running, Mr. Scott.

Mr. SCOTT. They are not making three of my towns in my district, and they cut off 15,000 people this year from this service.

Mr. FLYNN. That is something I think can be taken up and you will find out otherwise, if there is an investigation, and it won't be necessary to come here and ask to repeal the seaman's act.

Mr. SCOTT. I am not asking to repeal it; I am asking to extend its provisions for one month.

Mr. FLYNN. That is something I am satisfied we will be able to tell you about when the proposition is made, but I submit we have not had the time to go into it. This is a bill, and we have the statements here and we can take the statements of each one of these gentlemen and show to this committee and prove where they have been in error in their predictions.

Mr. HARDY. What I would like to hear you on is the difference between stopping this on the 15th of October and stopping where it is now.

Mr. FLYNN. No more than this: That our contention has been that Gen. Uhler, who is the supervising inspector here, was a member of the American commission to the London Conference on Safety of Life at Sea, and Judge Alexander, who was chairman of the Merchant Marine and Fisheries Committee and was also a member of that conference, and who is now the Secretary of Commerce, in so far as the regulations, and so forth, pertaining to lifeboat equipment and life preservers and everything that go with it, as to the limitation of the time that this bill has specific reference to on the Great Lakes, and that the seamen are not responsible for any such legislation. We tried before this thing was enacted into law to get the representatives of the shipowners—and Mr. Duff will bear me out on this—and others interested in the legislation to see if we could not strike a common ground and eliminate any argument or any opposition one way or another before the committee. The shipowners would not listen to us. They went in and they themselves are responsible for this kind of legislation.

Mr. SCOTT. Would you have given them better legislation than that?

Mr. FLYNN. I will say this, Mr. Congressman, that there are some of the things where, if I had had the say, I would have reduced them. That has nothing to do with the time, however.

Mr. SCOTT. I do not change it at all.

Mr. FLYNN. You do change the time.

Mr. SCOTT. No; I have not. I extend the time one month.

Mr. FLYNN. That is what I say.

Mr. SCOTT. If you were going to give better than in the bill, then you and I agree.

Mr. FLYNN. I said so far as the equipment is concerned.

Mr. SCOTT. That is all I am talking about.

Mr. FLYNN. No; you are dealing here with climatic conditions; you want an extension of time. And the reason was, as I say, as a result of all the testimony that was offered, for and against (and, of course, when we were compelled to show the reasons why we were in favor then of this proposition, which we did submit, the loss of life and so forth, on the Great Lakes, and which was due to climatic conditions, the weather up and in around the Great Lakes, and so forth, and that previous to the passage of the seaman's act, and so forth), that there was not the proper life-saving equipment on board the boats. And that is the reason why this legislation was enacted.

Mr. HARDY. Let me ask you, so as to get the issue clear: As I understand it, there are certain requisites that apply to specified dangerous months, more onerous than the requisites of equipment that apply to the summer months?

Mr. FLYNN. That is it exactly.

Mr. HARDY. This bill seeks to extend the summer months, and thereby to relieve the owner of that additional incumbrance or equipment?

Mr. FLYNN. That is it.

Mr. HARDY. What I want to know is what is the fact of the character of this month that they seek to extend the summer equipment to; is it more dangerous up to the 15th of October than it is to the 15th of September?

Mr. FLYNN. The testimony that was offered and could not be denied in rebuttal by the gentleman from the other side was the reason why these precautions were taken and this kind of regulations made, because it was considered by those who were authorities on this kind of a proposition, to be dangerous—more so during that period of time than it was during the summer months. And it was for that reason, Judge Hardy, in the interests of the safety of life at sea and property that they struck those dates and to have them operate under certain conditions during different periods, during the summer months and after the 15th of September up to the close of navigation.

Mr. HARDY. I know we thrashed it out when we fixed those dates, but I can not recall the testimony.

Mr. FLYNN. Now, the gentlemen over here claim—well, the argument was simply this—that they were coerced into making this last agreement between the representatives of the men on the Lakes and the different steamship companies (which, of course, is not so) and that the organization at this particular time is flourishing and they have the strangle hold, etc., and that they can dictate any terms they want to. But we must not forget this fact, that there were no such conditions during the period we were here seeking to get the legislation.

Mr. EDMONDS. Is the only interest of the seamen in this bill the safety of life at sea, or is there something that changes their salary status, or something like that?

Mr. FLYNN. There is nothing pertaining to the salary or anything else. There were certain features that would impose hardships upon us, so far as the hours of labor were concerned, which Mr. Scott, I am satisfied in my own mind, will be glad to eliminate in the bill.

Mr. EDMONDS. You mean you have to work a little longer time during the year?

Mr. FLYNN. We could go back to the eight hours, which would be from a four-hour shift to eight on. I understand some of the companies on the Lakes are working 8 on and 16 off, which is too much, but they do it, however. And this bill if enacted into law would repeal the seaman's law, section 2, which would make us go back and work 12 hours a day.

Mr. EDMONDS. How would it repeal the seaman's law?

Mr. FLYNN. That is what is proposed to do.

Mr. SCOTT. On short runs of less than eight hours.

Mr. FLYNN. The run on the Lakes is perpetual motion. That is just the point in your bill. The boats of the D. & C. Line run clear around the chain of Lakes into your ports, and they are perpetually at all times going into your ports, and it is perpetual motion until they stop navigation which means, so far as the firemen and sailors are concerned, that they have to work on this line of ships and, irrespective of what may be said to the contrary, the men in the fire room—sometimes on the lake, because of the weather conditions, of course, there is a breeze and they have the ventilators, etc., when they are not subject to as much hardship as when they are shut in port, lying alongside the dock, with no air, not nothing—but we have to work just the same; we have to turn around and overhaul and have to clean up, to clean the flues and get the fires ready and everything, for the ship's voyage to the next port. If it was a question that the seaman's act imposed any hardship upon a vessel on a specific run between two given points, where the duration of the runs would be four or six hours, why, there would be no argument. We would not come here at all to make any argument along those lines.

Mr. SCOTT. That is what I am trying to reach.

Mr. FLYNN. But you are in a different position altogether, and your bill would not only repeal the seaman's act in so far as it applies to the Great Lakes, but it would repeal the seaman's act in its entirety in so far as it applies to ocean-going ships.

Mr. SCOTT. Oh, no; I say only merchant vessels operating on the Great Lakes, and I only apply to the Great Lakes.

Mr. FLYNN. But, don't you see, the waters of the Great Lakes are considered to be an arm of the sea, just the same, under maritime decisions in connection with maritime affairs. All those things have been gone into in here in the previous hearings, and this volume I have is only a partial compilation of the testimony taken not only in this House but before the Senate Committee on Commerce. And, irrespective of the arguments, Mr. Chairman, for or against this legislation, the committee in bringing in its final report and the Secretary of Commerce and Labor, Mr. Redfield, and Gen. Uhler, and everyone else, made those rules and regulations based absolutely with the thought in mind of the safety of life at sea of passengers and

crew and likewise of property. That was the basis on which they drew their conclusions. That is why these rules and regulations were drawn. The conditions have not changed any at all. And this talk on the other side now of putting the vessels out of commission is not so. The vessels are running, and they are as prosperous now as they ever were; in fact, they are more prosperous now than they ever were before. And we can not see any good reason why this legislation should be changed.

Mr. LECKIE. I referred to a communication I had just had notice of from the customs department, coming through them from the Department of Commerce, in regard to these fines. I understand that letter is now in the city and I would like to put it in as part of the record.

Mr. ROWE. You may put it in in connection with your testimony.

Mr. CONWAY. If I could make a correction of the statement made by Mr. Leckie. He said the 84 hours a week should be divided by 2. Mr. Leckie either misunderstands that or there is something radically wrong with the statement, because there are 24 hours in each day. Seven times 24 is 168, and under the two-watch system, dividing 2 into 168, it makes 84. Under this proposed arrangement the men would work 84 hours; is not that right?

Mr. LECKIE. I think so, not differentiating between the time the men are actually firing and the time they are in port. I made an illustration of the boat that made a 7-hour run in 24. If it made a 7-hour run in 24, 7 times 7 is 49, and if you have three watches, you are dividing 49 hours into three watches.

Mr. CONWAY. Do you wish to tell the committee the men do not do anything while in port?

Mr. LECKIE. Oh, no.

Mr. O'BRIEN. Is it not a fact that last season you had the best season you ever had in the history of the Lakes, which is an admitted fact by Mr. Leckie and by the vessel owners on the Great Lakes, that last season was the best season, financially, that they ever had in the history of the Great Lakes?

Mr. THORP. What is the point about that?

Mr. O'BRIEN. The point is everybody had a lot of business and made a lot of money, and the point was raised here we were putting them out of business.

Mr. THORP. We had an exceptional season of weather, Mr. O'Brien, weather we have never had before in 20 years.

STATEMENT OF MR. H. W. THORP, VICE PRESIDENT AND GENERAL MANAGER OF THE GOODRICH TRANSIT CO., OF CHICAGO.

Mr. THORP. I want to correct several statements that have been made. Mr. Flynn just made one and said we were not coerced into this three-watch system. Mr. Flynn was not present at any of our hearings and he does not know anything about it only what he may have gotten from some one else. Now, we were coerced and, just as Mr. Leckie said, they took their coats and their hats and started out because we did not want to agree to the three-watch system, after we had agreed to an increase of pay. That is true, and they all know it and they can not controvert that for one moment.

Now, when they say there is no increase of men on account of the three-watch system, that is not true. There is an increase, and there is an increase in Mr. Conway's department and he knows it. There was put right in our agreement that there might be an increase of some coal passers. It is right in the agreement itself. Don't tell me nothing was increased, because it was.

Mr. CONWAY. I have not testified contrary to that, Mr. Thorp.

Mr. THORP. You can go right back; you made that statement right here.

Mr. O'BRIEN. I made that statement. I meant the deck department.

Mr. THORP. We have not gone far enough to tell whether that department is going to be increased yet or not. You have not come down there to talk to me about it.

Mr. O'BRIEN. I talked to you over the phone.

Mr. THORP. I am not satisfied with a talk over the phone.

I want to say I have attended nearly every hearing, well, since the 1912 and the 1914 hearings, and I do not think there has ever been a time that the steamboat men have objected to an examination of the able seamen, and have tried to get it done. We wanted the better men, and it has always been so. And when they say it is not so, they say something that is not true; that is not right. The law says now, as far as a certificated lifeboat men are concerned, that in order to obtain a special lifeboat man's certificate the applicant must prove to the satisfaction of the officers designated by the Secretary of Commerce that he has been trained at all the operations connected with the launching of lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding the necessary orders relative to the lifeboat service. That is more than the examination that the able seaman gets, as I understand it.

They talk about the certificated lifeboat man not being able to lower a boat. The able seaman could get a certificate without ever having lowered a boat, and never having had experience at all at any stage of the game. He does not have to have that experience; he simply has to certify to a certain length of time on deck at sea or on the Great Lakes. He has to go up and swear to that. And then what do they do? They peddle their certificates around among themselves. It is done right and left.

Now, to get back to the three-watch system. We have had a little experience of what the three-watch system means. The overwork game is the whole thing now. We have one particular boat that has been in commission and on which we formerly carried four coal passers, and under our present agreement with them carries six. We did not have room for those men, and we were told, "All right; you take and divide the pay of those two men among the four men, and it will be all right." It is not a matter of work. That is a fact, and they know it; it is absolute facts, and they can not reply to it.

The three-watch system under the seaman's bill necessitates the employing of one-third more firemen, oilers, and water tenders and, since the agreement, one-third more coal passers under most ordinary conditions. There are very few boats that won't have two, and I say the employment of those extra men in no way promotes the safety of the ship. On short runs the watch and watch system

which we had in effect, that is, six hours on and six off, creates no hardship on the firemen on many of the routes, and when I say it creates no hardship, we have on some of those very routes where the outside running time is five hours out of the 24 hours. That is the time that the men spend in firing the boat.

Mr. ROWE. Do you mean that the boat is in operation only five hours in the day?

Mr. THORP. No; I do not mean that. I mean that the men stand watch, firing outside and not inside, five hours at a time, and that is divided into two watches. For instance, we have a steamer that leaves Chicago at 9 o'clock in the morning. She is tied up at the dock in five hours after she leaves the Chicago dock. At 9 o'clock in the morning they take her out and go off watch at 12 o'clock and the other men go on. She goes on to Milwaukee and arrives at the dock between 2.30 and 3 o'clock. The men that come on watch at noon are through until that boat leaves at 5 o'clock. That is six hours on and six hours off watch, which is what it used to be until the seaman's act began to come into effect.

At the present time they talk about the hardships and overwork. The law right now is six hours on, two watches, in the forward end of the boat. The seamen are talking about the men standing six hours on and six hours off and they say that is the way. It says the wheelsman, the lookout, and the watchmen are to stand six hours on and six hours off, and the law permits it. There are no three watches in effect except what they have forced us to do, and it was a force, too; I do not care what any of them say.

Now, about these 2,400 men that went to the Atlantic coast. I do not know; we have heard that. They sprung that on us in Detroit when we had to sign up this agreemenet with them of this three-watch system. But I want to tell you what happened. When they said those men had gone to the coast, we got more men than we ever got before. I say those men of the Steel Trust did not go to the coast. We have had reported to us, time and time again, that we had an opportunity to pick up men that had been with the Steel Trust or with the carriers assocation. It did not make a shortage of nine; absolutely,not.

On the other part, your substituting the certificated lifeboat men or going out with short crews. I want to ask anybody in the room that has had any experience with it, how they are going to get to the inspectors, or how they are going to get to any customs-house official after their closing hours. And many of our men leave us and we do not know it until the boats are ready to leave the dock, and it is impossible to get word to them and get permission to proceed, and yet you have to proceed if you are going to take your people and perishable goods. You can not get away from it. That is what happens. You do not get to and can not get to those men to get the permission that is required now, and they go and have to break the law.

FURTHER STATEMENT OF MR. PATRICK FLYNN.

MR. FLYNN. Mr. Chairman and gentlemen of the committee, in so far as vessels leaving short-handed is concerned, here are the facts, in view of the fact that they are trying to drive this home to us from the organization point of view.

Mr. THORP. Personally.

Mr. FLYNN. Personally. We are on the Pacific coast where we are 100 per cent organized and where we have signed up agreements for many years with the shipowners on the Pacific coast, and there has always been an abundance of men. The vessels, however, through sickness and otherwise, sometimes leave short-handed. The rest of the crew know those things. They take the ship along to the next port. The master goes through the formality of complying with the present law, which covers everything that this bill asks for. The only time there is any contention made, in so far as even anything like that is concerned, is where there is a specific complaint sent in stating that such a vessel has left in direct violation of law. And let me tell you something; we have tested all of those points and if anybody around here thinks for a minute that ships are fined and that the fines are paid and everything else, just simply try it once and see how far you have to go to even get recognition of your claim before it is ever started on its way. There is no such thing as a vessel being fined, and, if they are fined it is just a formality, an exchange of communications. There is no such thing as the actual passage of money at all.

The law amply protects everything Mr. Scott is trying to do right now.

Mr. LECKIE. May I put this in right now? It is addressed to me as secretary of the Passenger Lines Association. It is headed Treasury Department, United States Customs Service, Cleveland, Ohio:

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
Cleveland, Ohio, May 8, 1920.

MR. F. L. LECKIE,
Secretary Great Lakes Passenger Lines Association,
Cleveland, Ohio.

SIR: This office recently submitted to the Secretary of Commerce an application for the remission of a penalty imposed for the violation of section 13 of the act of March 4, 1915, and for your information his acknowledgment thereof under date of the 5th instant, file 14535–N, is quoted in part, as follows:

"The penalty in this case is remitted, but this action is not to be taken as a precedent hereafter.

"During the prevalence of war conditions, when the prompt dispatch of ships was of the first importance and compliance with law in every particular was often difficult or impossible, the department, as you are aware, in the exercise of its powers to mitigate or remit penalties, was lenient. Conditions are now different, and the department feels that it should insist on compliance with law. You will please be governed accordingly and advise those concerned in your district to this effect."

Respectfully,

W. B. GUYON, *Collector.*

Mr. HARDY. I would like to ask Mr. Leckie some questions on that particular point. If I am informed correctly and I understand what has been stated here, under the present law a vessel has the right to leave a port without the complement of men required by law in case they are unable to get the required number of men, but if they do the master of that vessel must report at the first port that he comes into within a certain time?

Mr. LECKIE. Within 12 hours.

Mr. HARDY. Then there is no fine imposed, as you say, upon the master; but you state there is a fine, even in that case where the report is made, upon the owner of the vessel?

Mr. LECKIE. Yes, sir.

Mr. HARDY. Now, would you not serve your purpose if you amended the present law so as to make the owner stand just like the master—not to be fined unless there was a failure to have the requisite number of men and, following that, the failure to make the required report?

Mr. LECKIE. That might meet the conditions.

Mr. HARDY. It seems to me an inequality to fine the owner when the man operating the vessel is exempt from fine and that looks to me like an appeal to equity, that if the captain should not be fined neither should the owner. And if you made that amendment, then there would be no need for this amendment here, because all the vessel owner and captain would have to do is to comply with the law when they could and when they could not to file the report.

Mr. LECKIE. That might answer it.

Mr. HARDY. The difficulty with this section is, it provides an opportunity for the shipowner to violate the percentage of the able seamen and make no report about it at all, because he is not required in this case, if he gets 25 per cent of certificated lifeboat men, to make any report about it at all. This just amends the law so that the 65 per cent now required, he can take a fourth less than that and operate the ship without making any excusing report or anything of that kind.

Mr. ROWE. Would you make that as a change to the whole law or just apply it to the Great Lakes?

Mr. HARDY. I think if it is true the owner of the vessel is subject to a fine when the operating captain of the vessel is excused by the terms of the law——

Mr. ROWE. That ought to be modified; I was just wondering if it ought to be a general amendment to the act or just apply to the Great Lakes.

Mr. HARDY. I do not know that that construction has been placed on this law. I do not believe it is correct. I think there must be some error. But these gentlemen have been making that statement and, if it is true, it is wrong. I just want to make one statement: This whole bill was thrashed out and all that question of time was gone into very much at length and it is utterly impossible for any member of this committee to remember all the testimony that was taken.

Mr. CHINDBLOM. May I say a word. I am a member of the general committee, but not of the subcommittee which is now considering this matter; but as a lifelong resident of Chicago, having been born there more than 40 years ago, and being quite an occasional traveler on the Great Lakes and in the vicinity of Chicago, I want to say this is very desirable legislation—the extension of this time for passenger service on the Great Lakes is very desirable legislation. And I am very glad the committee is considering it and hope whatever differences there may be that they may be adjusted so that the legislation can be passed.

The fall is, by all odds, the finest season of the year in and about Chicago. The weather, after September 15, and up to about November 1 is, in my opinion, after 40 years' experience, the finest weather we have in Chicago.

(The hearings were thereupon closed.)

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